

REMARKS

Claims 11-30 now appear in this application for the Examiner's review and consideration. Claims 1-10 have been cancelled without prejudice to the presentation of the new claims. The new claims are supported by the specification and original claims, so that there is no issue of new matter. In particular, independent claim 11 is based on previous claim 4, while dependent claims 12-20 are based on claims 8-10, 2, 3, 5, 1 (preferred embodiment for defibrator), 6, and 7. New independent claim 21 is based on claim 1, with a further amendment that recites that the second air duct is a separate and distinct component from the first air duct, as supported by the drawing figure wherein the first air duct is shown as 10 and the second air duct is shown as 21. New claims 22-27 are based on previous claims 2, 3, 3, 1 (preferred embodiment for defibrator), 6, and 7. New independent claim 28 is based upon original claim 7 while dependent claims 29-30 are based on original claims 2-3. Accordingly, the entry of these claims is warranted at this time.

The office action initially notes that the specification is missing a section entitled Brief Description of the Drawings. Applicants do not understand this rejection since a substitute specification has been submitted on ((Date)) in response to a notice of non-compliant amendment during the earlier processing of this application. For the Examiner's convenience, a copy of that response, including additional copies of the substitute specification, both marked with changes from the originally filed application and as a clean copy, are submitted herewith. To the extent that these documents are not present in the application file, applicant respectfully requests that they be entered.

The office action notes that the drawing is not properly labeled as Figure 1. In response, applicant submits herewith a substitute drawing for the Examiner's approval. Since the drawing merely includes reference to Figure 1, it is believed that the drawing will be accepted. Accordingly, a formal drawing is enclosed. Applicant also has amended the appropriate section referring to the drawing and the detailed description to refer to Figure 1. As no new matter has been introduced, the entry of these changes is warranted. Thus, all objections to the specification and drawings have been overcome.

The office action indicates allowable subject matter in claims 4, 5, 8, 9 and 10. Thus, new claim 9, which is equivalent to previous claim 4 written in independent form, and dependent claims 12-20 are believed to be in condition for allowance.

The office action also indicates certain section 112 informalities in claims 5 and 10, but the new claims have been prepared without including these informalities so that the new claims are not subject to this rejection.

Original claims 1-3 and 6 were rejected as being unpatentable over the combination of US patents 4,921,650 to Eriksson and 4,640,810 to Laursen et al. ("Laursen") for the reasons set forth on pages 6-9 of the action.

This rejection is not applicable to new independent claim 21, which is directed to a plant for producing a nonwoven web of fibers of fibrous material which comprises a device for defibrating fiber material, at least one head for forming a fiber web on a endless forming wire, a first transport fan for transporting defibrated fibers to the forming head via a first air duct, a second transport fan to extract nits from the forming head via a second air duct, and a separator, connected to the second air duct, for separating nits and well-opened fibers. Claim 21 also recites that the second air duct is a separate and distinct component from the first air duct, as shown in the drawing figure.

Eriksson discloses a method for forming a fibrous web. Initially, fiber material is defibrated and dispersed in an air flow and introduced through an inlet into a forming head. In the forming head, the inlet transforms to a single-curved convex surface, which leads to an accept outlet. A screen is located at adjustable distance from the curved surface for dividing ingoing fiber/air flow into the accept outlet or to a reject outlet that is located behind the screen. A running air-pervious support is located at a distance of 10-150 mm from the accept outlet, and the web precipitates onto this support.

Thus, Eriksson discloses a screen 23 that receives material via a conduit that is common to both conduit 22 and conduit 29. As Eriksson does not disclose first and second air ducts that are separate and distinct components, claim 21 is patentable over Eriksson. In an attempt to find claim 21 obvious, the Laursen patent is cited in combination with Eriksson.

Laursen discloses a system for forming an air laid web of fibers and/or particles on a moving foraminous carrier. Fibers and/or particles are blended, and while supported in an air stream, are introduced into a distributor unit. The distributor unit includes a rotatable cylinder formed with classification apertures of a predetermined shape, number, and size as specifically related to the types of fibers and/or particles utilized. A rotatable shaft with radially extending wire-like members agitates the fibers and/or particles and throws them outwardly through the apertures. Downwardly directed air flow transports the refined fibers and/or particles so as to form a homogeneous, still further refined, web on the surface of the carrier. The system and its components can be adjusted to control the composition and thickness of the end product, and to attain maximum capacity for any combination of fibers and/or particles.

Laursen discloses, in Figure 2, the use of fans 36 and 38 to move roughly graded material from feeding devices 32 and 24 to a blender 44. A fan 168 moves lighter material, including nits, and returns them to a feeding device 32, which may be a hammermill, defibrator or the like. Laursen fails to disclose a separator that is distinct from the feeding device. Thus, the combination of Laursen and Eriksson does not result in the presently claimed invention. As the Laursen patent does not remedy the deficiencies of Eriksson to result in the invention defined by current claim 21, this rejection is not applicable to that claim. Thus, claims 21-27 are patentable over this combination of references.

This combination rejection is also not applicable to new independent claim 28, as that claim includes the features of previous claim 7. As claim 7 was not rejected over Eriksson and Laursen, current claims 28-30 also should not be rejected over those references. Accordingly, all current claims are patentably distinguishable from the combination of the Eriksson and Laursen patents.

Previous claim 7 was rejected as being unpatentable over the combination of US patents 4,921,650 to Eriksson and US patent 2,940,134 to Heritage for the reasons set forth on page 9. Claim 7 recited that a cyclone, connected to the second air duct, was present for separating nits and well-opened fibers. The Examiner states that a cyclone is an equivalent to a screen so that the combination is suggested by the combined references. Applicant traverses this rejection.

Precious claim 7 is now presented as new independent claim 28. Applicant repeats the comments made above as to the Eriksson patent and notes that that patent does not disclose that the separator is or should be a cyclone. Thus, the Heritage patent is cited in an attempt to remedy the deficiencies of the Eriksson patent.

Heritage discloses a dry felting apparatus and process that uses cyclones 35, 40 in Figure 1 to separate a gas, such as streams 36 or 42, from solid materials, such as stream 45 or from a gas/solids mixture, such as stream 38. Heritage does not disclose the use of a cyclone for separating nits from other fibers, as presently claims in claim 28. Furthermore, the fact that a cyclone can separate a gas from solids does not motivate the skilled artisan to utilize a cyclone from separating nits from other fibers. If it did, then Eriksson surely would have mentioned it since his patent was filed well after the publication of the Heritage patent. Thus, Heritage does not remedy the deficiencies of Eriksson so that this rejection is not applicable to claim 28, and claims 28-30 are allowable.

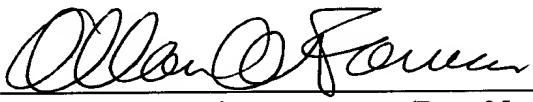
In view of the above, the entire application is believed to be in condition for allowance, early notification of such would be appreciated. Should the Examiner not agree, a

personal or telephonic interview is respectfully requested to discuss any remaining issues in order to expedite the eventual allowance of the claims.

Please note that a new power of attorney was recently filed to appoint the undersigned attorneys to handle this matter. Please direct all further communications to Customer number 28765.

Respectfully submitted,

3-8-05  
Date

  
\_\_\_\_\_  
Allan A. Fanucci (Reg. No. 30,256)

**WINSTON & STRAWN LLP**  
**Customer No. 28765**  
**212-294-3311**